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1 have been remanded, as well.

2 THE COURT: Do you have any response to that anyway?

3 MS. SNAPKA: I do not. I am not familiar with it. I
4 only know that those -- all the cases that --

5 THE COURT: Is anybody from the law firm here?

6 MS. SNAPKA: No, your Honor. I know that Mr.
7 Foxworth had a family emergency and I was advised of that, I
8 think, yesterday.

9 MR. MULLINS: His mother has brain cancer. It's
10 serious.

11 THE COURT: Thank you.

12 MR. ARGENTO: Thank you, your Honor.

13 MR. HOOPER: Your Honor, also on the fact that the
14 20 days haven't expired. I understand that they had problems
15 filing because the 20 days. The motion was filed on the 12th.

16 THE COURT: I don't have those cases before me
17 anyway. I just thought if anybody was here, they can respond;
18 otherwise, we'll move on.

19 Let's talk about the Motion to Preserve Plaintiff's
20 Original Experts. I did not grant that motion. I wanted to
21 hear that on the agenda. I have great concern because these may
22 be evidence now in not only these cases, but in criminal
23 investigations. I'm very careful now about what we're going to
24 do with those X-rays. I don't intend to give them to just one
25 party.

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1 So what are we going to do about them?

2 MR. ATWOOD: May I suggest -- Roy Atwood, your
3 Honor.

4 My suggestion is that we keep them right where they
5 are.

6 THE COURT: Well, who is going to pay for that?
7 They're in a depository?

8 MR. ATWOOD: They're in Mikal Watts' warehouse.

9 THE COURT: Well, then somebody needs to pay for
10 them to stay there.

11 Who's going to do that?

12 MR. ATWOOD: What's the current arrangement?

13 MS. GREEN: My understanding is nobody has ever paid
14 Mr. Watts anything.

15 THE COURT: But that doesn't seem quite right.

16 MR. BARGER: We'll get it worked out with Mr. Watts.

17 MR. ATWOOD: I mean, if that's the only issue, we
18 can resolve that and I'm confident we can resolve a protocol for
19 use of the X-rays as they become necessary to the cases in
20 Mississippi once they're remanded. I think the important thing
21 is that they stay in one place.

22 My concern, quite frankly, your Honor, is once the
23 case is remanded, the order takes affect, that someone may just
24 decide, "Well, I want to take mine back to my office." And you
25 know, "I'll ask forgiveness, not permission." And I just want

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1 an order in place that keeps them all there and then we can work
2 out the details of making sure they're available to be used when
3 they need to be used and paid for.

4 THE COURT: Mr. Hooper, this was your motion?

5 MR. HOOPER: Yeah, it's actually their Motion to
6 Preserve. It was our Motion to Withdraw.

7 First, we believe that a Court of competent
8 jurisdiction, when the cases go back to Mississippi should
9 control the X-rays and control the --

10 THE COURT: That may very well be, but it's not back
11 in Mississippi and in the meantime, I told Liaison Counsel I
12 have had a call from -- I can't remember how long ago, Mr.
13 Barger --

14 MR. BARGER: About a month ago, Judge.

15 THE COURT: Pardon?

16 MR. BARGER: About a month ago.

17 THE COURT: I had a call from the U.S. Attorney
18 locally about access to discovery in the depository. First, I
19 explained that he didn't understand it was an ex parte -- he
20 doesn't do civil stuff, so he didn't understand it was an ex
21 parte conversation that I had to disclose to the other parties
22 and so I got Liaison Counsel on the phone and told him that I
23 had received this call. So once I am told that someone is
24 looking at this information or who wants access to this
25 information from the U.S. Attorney's Office, who have been

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1 called, I assume, by the Manhattan, Southern District of New
2 York Office. I just have to look. I have to be very careful
3 then about what happens to these documents in the depository,
4 so --

5 MR. BARGER: And for the record --

6 THE COURT: -- and so that was my concern, Mr. and
7 I'm not -- I don't think they'll destroy them in any way. They
8 need to be in one central place, but I don't intend to just let
9 them go back from in there.

10 MR. HOOPER: Your Honor, I believe -- strongly
11 believe that since the Court doesn't have jurisdiction, that the
12 Court should release its jurisdiction over documents and over
13 the cases. I also, as I stated in the brief, that I believe
14 when the Court entered its remand order, Order Number 29, it
15 stayed it for 30 days that on the 30th day that the cases were
16 remanded.

17 THE COURT: Well, you must have thought I had some
18 jurisdiction or you wouldn't have filed a motion to give you
19 back the X-rays, or you would have just walked in and taken
20 them.

21 MR. HOOPER: I filed that motion during the 30-day
22 stay. Also, I don't -- the argument that we have is that the X-
23 rays are the Plaintiff's diagnosing X-rays. The Plaintiffs
24 voluntarily put their X-rays without court order into the
25 document depository. The Court never ordered us to produce

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1 those. The Court to this date has not ordered us to produce
2 those.

3 So those X-rays that are the basis of the diagnosis
4 -- or the basis of the B-Read, I'm sorry, have never been
5 ordered by the Court and the Court doesn't have jurisdiction to
6 order anything further on those documents.

7 Again, since the -- in my opinion the Court's
8 jurisdiction lapsed on July 30th. The Court no longer has
9 jurisdiction over those X-rays.

10 THE COURT: Well, why don't I just turn them over to
11 the U.S. Attorney then?

12 MR. HOOPER: Your Honor, I don't think that you have
13 jurisdiction to do that. You don't have jurisdiction to do
14 anything with respect to X-rays that Plaintiffs voluntarily
15 produced now that you have conceded that you don't have
16 jurisdiction.

17 THE COURT: Thank you.

18 MR. HOOPER: Let me --

19 THE COURT: Go ahead.

20 MR. HOOPER: Judge, just so it's clear and I don't
21 want to be standing in front of you so that there's any
22 misunderstanding. I acted accordingly with what I just said and
23 proceeded based upon what I just said in relation to my X-rays.

24 THE COURT: You took them out of the depository?

25 MR. HOOPER: Yes, I did, your Honor.

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1 THE COURT: Then Mr. Hooper, you will get those back
2 into the depository by 5:00 o'clock today or you will be in
3 contempt of court and you will be held in this courtroom until
4 they are replaced.

5 MR. HOOPER: Your Honor, I cannot physically --

6 THE COURT: I denied that motion. You knew I denied
7 the motion and you call your office and you get them here today.
8 You will physically do that today.

9 MR. HOOPER: Your Honor, I cannot physically --

10 THE COURT: If you have to hire a jet to get them
11 here, you will get them here.

12 MR. HOOPER: Your Honor, I ask that you stay that
13 order so that --

14 THE COURT: I will not. You will get them here
15 today.

16 MR. HOOPER: -- so that I may have a Court of
17 competent jurisdiction review that.

18 THE COURT: Get them here today, now.

19 MR. HOOPER: Which X-rays, your Honor?

20 THE COURT: The X-rays you removed from the
21 depository. When did you do that?

22 MR. HOOPER: I removed them once the Court's
23 jurisdiction lapsed.

24 THE COURT: When did you do that?

25 MR. HOOPER: The first week of August, Monday,

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1 whatever the first Monday was.

2 THE COURT: You call your office and get those X-
3 rays. Where are they, exactly?

4 MR. HOOPER: Some of the X-rays are in my office,
5 some of the X-rays are at a doctor's office being reviewed.

6 THE COURT: You call -- you're excuse right now for
7 30 minutes to get -- to tell me when you can get those X-rays
8 here right now.

9 MR. BARGER: Judge, I would just add for the record
10 that my office has received an inquiry from the U.S. Attorney's
11 office --

12 THE COURT: Where is Mr. Watts? Did he allow those
13 X-rays to leave his depository?

14 MR. GOWEN: Your Honor, Gregory Gowen for Mr. Watts,
15 plaintiff. Some will come on either side to do the X-rays and
16 we video it and if they have to check it out for a doctor to
17 look at, then they have sign off on a piece of paper for it, for
18 X-rays to be taken out.

19 THE COURT: You knew there was a motion before me on
20 this?

21 MR. GOWEN: Your Honor, the motion that I'm aware of
22 that was denied, I'm not sure of the timing of it as far as --

23 THE COURT: And the denial was entered when?

24 MR. HOOPER: The denial was entered before we
25 removed them, Judge.

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1 THE COURT: I thought so.

2 Okay. You're excused for 30 minutes.

3 Marshals, would you accompany him? Can I get some
4 Marshals here, please, to make his calls, Mr. Hooper.

5 And I assume as Liaison Counsel, Ms. Snapka and Mr.
6 Darrell -- Mr. Barger that you notified Mr. Hooper and all other
7 counsel that the U.S. Attorney was making -- was asking for
8 access to those documents?

9 MS. SNAPKA: Yes, your Honor.

10 THE COURT: Thank you.

11 MR. HOOPER: Your Honor, it's my understanding
12 that --

13 THE COURT: You're excused, Mr. Hooper.

14 Has anyone other than Mr. Hooper removed X-rays from
15 the depository?

16 MR. GOWEN: My understanding, your Honor, is that
17 all the X-rays are in the depository right now. Would you like
18 me to go check?

19 THE COURT: I think it would be a good idea.

20 MR. GOWEN: May I be excused for a second?

21 THE COURT: Thank you.

22 MS. GREEN: Your Honor, on behalf of Defendants, we
23 previously requested of Mr. Watts a listing of all the X-rays
24 that are in the depository. We've never received such, so it
25 may be a good idea to have one.

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1 THE COURT: It may be a good time to do that.

2 MR. GOWEN: Your Honor, I think that each of the
3 groups have provided a list of their X-rays that are in the
4 repository and every time that a Defendant has come to review
5 them, they -- my understanding is that they've seen a list of
6 the ones that they need to pull and those have been pulled. We
7 try to pull them before they get there for them. Sometimes they
8 ask for more than 1,000 so it's harder to do so, but that's been
9 provided.

10 THE COURT: Thank you.

11 MS. SNAPKA: Your Honor, for the record, I want to
12 clarify what I had related to Plaintiff's Counsel was that the
13 U.S. Attorney from Manhattan was looking into the matter. I'm
14 not sure I specifically said anything about X-rays. I wanted to
15 make that clarification for the Court.

16 THE COURT: Well, I wanted -- well, what I told you
17 all very clearly was that the U.S. Attorney from Manhattan had
18 called the local U.S. Attorney for access to discovery documents
19 in the depository, which included the X-rays. I don't know if I
20 said, "included the X-rays," but I told you the document
21 depository. You all knew the X-rays were there.

22 Subsequent to that, his motion was filed. I denied
23 it, and Mr. Hooper has removed the X-rays. I don't think there
24 are any ifs, ands, or buts about it. That may be a matter for
25 the U.S. Attorney in Manhattan.

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1 In fact, would you get Mr. Cusick, the U.S Attorney
2 over here, please?

3 THE CLERK: Yes, your Honor.

4 THE COURT: Thank you.

5 (Pause)

6 Roman Numeral III, Omni Litigation Support Services'
7 Opposed Motion for Reimbursement.

8 MR. BARGER: I think Mr. McKibben is going to tell
9 you they're going to withdraw that for right now.

10 THE COURT: Somehow I thought that would happen.

11 MR. MCKIBBEN: That's correct, your Honor.

12 We filed a motion -- unopposed Motion for Leave to
13 make some corrections and virtually every one has paid except
14 for a few and we've kind of worked -- I talked to every one and
15 I think we've got almost everything worked out. There are a
16 couple of things we may have to resolve by -- I think we talked
17 to people about alternate dispute resolution on some of the
18 items and I don't think we need the Court's assistance, your
19 Honor.

20 THE COURT: All right. Then I'll consider that
21 motion withdrawn.

22 MR. MCKIBBEN: Thank you, your Honor.

23 THE COURT: And you have some miscellaneous issues,
24 a Motion for Withdrawal and Substitution of Counsel?

25 MR. MULLINS: Your Honor, we're going to withdraw

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1 our Motion to Withdraw for Substitution of Counsel, looking at
2 the Court's prior orders, there's some additional steps we can
3 take and we're trying to work with the other attorneys.

4 THE COURT: Thank you.

5 Then in B under miscellaneous Roman Numeral IV,
6 Motion to Dismiss Certain Plaintiffs without Prejudice?

7 MR. CANSLER: I think we handled that earlier. I
8 think those were the orders you just signed.

9 THE COURT: All right. Thank you.

10 And C, U.S. Silica's Motion to Dismiss without
11 Prejudice in four cases?

12 MR. RUSSELL: Your Honor, Steve Russell for U.S.
13 Silica. I've spoken with Plaintiff's Counsel this morning and
14 we have signed agreed orders --

15 THE COURT: Thank you.

16 MR. RUSSELL: -- to present to the Court.

17 THE COURT: I didn't see anything that they were
18 agreed before, so I put them on the agenda.

19 Would you hand them to Ms. Gano, please, sir?

20 (Pause)

21 Okay. Those orders are granted. Thank you, sir.

22 MR. RUSSELL: Thank you, your Honor.

23 THE COURT: Then the Defendants placed on the agenda
24 a clarification of the status of the following actions. These
25 have all been dismissed with Final Judgments.

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1 And I think these were all by -- dismissals by
2 agreement.

3 Are these the ones I have to vacate?

4 (Laughter)

5 MR. MULHOLLAND: Not necessarily.

6 Your Honor, I think, as I recall, Bard and White
7 were dismissed for lack of subject matter jurisdiction.

8 THE COURT: Okay. So those --

9 MR. MULHOLLAND: Just orders. They were orders that
10 were -- the Bland case was the case where we filed the Motion
11 for Summary Judgment. The Court dismissed that motion for
12 failure of the Plaintiffs to file Fact Sheets.

13 THE COURT: Okay. I have to read -- I have to
14 vacate that, Bland and which other one?

15 MR. MULHOLLAND: I think that's the only one, Judge.

16 THE COURT: Weren't these -- a lot of these were
17 filed originally in this Court, but I vacated for lack of
18 subject matter jurisdiction --

19 MS. GREEN: Yes.

20 THE COURT: -- but not Bland?

21 MR. MULHOLLAND: Bland is the exception. I think
22 the others are subject matter.

23 THE COURT: Okay. But Bland, I'm going to vacate
24 that dismissal.

25 MR. MULHOLLAND: Yes, your Honor.

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1 THE COURT: I want to go back -- do you have
2 anything else on that?

3 MR. MULHOLLAND: Your Honor, before we get too far
4 away from the subject on X-rays, apparently the Alexander
5 plaintiffs had their X-rays re-read in March by a Dr. Altmier. I
6 don't know if their X-rays were removed from the depository or
7 not or if Dr. Altmier came to the depository.

8 MR. LAMINACK: Yes, your Honor. We removed the X-
9 rays. We had them re-read and then we put them back.

10 THE COURT: Thank you.

11 MR. LAMINACK: And that was all before you ever
12 entered the general order.

13 THE COURT: Thank you.

14 Then I think what's left is -- I'm not going to
15 enter Scheduling Orders on Thirsty, Greer, Moore, Large, Crowe,
16 and McManus -- Adams, Hill, Knight -- I'm sorry, Knight is gone
17 -- or Clay.

18 But I do need to have a Scheduling Order on Covey.
19 So why don't we have suggestions? How long has that been
20 pending? I think it was pending for -- is this the one that had
21 the February trial date?

22 MR. FABRY: It's been pending for a while, your
23 Honor. Its status has been difficult to ascertain by the
24 transfers, by the removal. I think any kind of a reasonable
25 Scheduling Order at this point, 12 months before discovery.

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1 THE COURT: A trial date in a year, then?

2 MR. FABRY: Yes, your Honor.

3 THE COURT: Actually I won't be doing a trial date.
4 I'll just put a Pretrial Conference in a year.

5 MR. FABRY: Right.

6 THE COURT: Would you give him a copy of that?

7 (Pause)

8 I can hear a Final Pretrial Conference proposal for
9 September 13 of 2006?

10 MR. FABRY: That's fine.

11 THE COURT: And then back tracking, a Joint Pretrial
12 Order, July the 28th at 3:00 p.m.; dispositive motions, May the
13 15th, 2006; Joinder of parties, November 30th, 2005; Amendment
14 of pleadings, February 28th, 2006 -- that's next February, 2006;
15 and discovery ending on May 31st, 2006.

16 MR. FABRY: That's fine with Plaintiff, your Honor.

17 In case I have to take a test, may I get us a copy
18 of that?

19 THE COURT: No. That's it.

20 (Laughter)

21 There will be a short quiz in the morning.

22 (Laughter)

23 No. You get copies of it.

24 MR. FABRY: Thank you.

25 THE COURT: Is that quick enough?

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1 MR. FABRY: Yes, your Honor.

2 MS. GREEN: Yes.

3 THE COURT: And I think I have Scheduling Orders.

4 (Court Confers With Clerk)

5 I still have motions on Air Liquide.

6 Mr. Laminack, have you had time to look at your?

7 MR. LAMINACK: I have, your Honor. If I could
8 enlist --

9 THE COURT: Do you just want to fall on your sword
10 now or?

11 MR. LAMINACK: No, but I have a volunteer who would
12 fall on it.

13 You are right.

14 THE COURT: That's the best way to start.

15 (Laughter)

16 MR. LAMINACK: And I understand exactly what you're
17 saying.

18 THE COURT: I can understand you'd want to clean
19 that up, if I give you time?

20 MR. LAMINACK: A week? I can tell you --

21 THE COURT: After I've given you a year?

22 MR. LAMINACK: I can tell you what happened.

23 THE COURT: Well, I know what happened. You used
24 the same --

25 MR. LAMINACK: You got it. You figured it out.

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1 THE COURT: Yes, the computer problem. Now what do
2 you want to do about, however, the American Optical Motion? Do
3 you want to -- can you dismiss them now?

4 MR. LAMINACK: No. I want to respond to it because
5 I haven't had a chance to respond to that yet. There's a -- and
6 that's going to --

7 THE COURT: Yes, we have. I've had -- that has been
8 on this docket for a year.

9 MR. LAMINACK: No. This is a new one. This one
10 complains about the one in the final petition that is fixed,
11 which caused this whole problem to begin with.

12 THE COURT: Well, you fixed it in the second one and
13 then in the next one, you didn't.

14 MR. LAMINACK: No. I did. That's what caused
15 everything to get undone.

16 They complained when we had our second one on file.
17 They complained. So we went back and fixed it, but it changed
18 everything else and went back to the old one, but the AO part
19 stayed the same. That's what they're complaining about, the new
20 fixed job. They are the only ones. And I'd like to respond to
21 that. That is new.

22 MR. COHEN: Your Honor, our -- Joe Cohen for
23 American Optical.

24 Our motion was to the entire complaint. We weren't
25 complaining specifically about American Optical -- yes,

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1 inaccuracies about American Optical, but he addressed the
2 immediate issue that you had raised in your last order as to
3 American Optical, he just -- if you read the four corners though
4 of the Second Amended Complaint, he doesn't demonstrate
5 diversity restriction.

6 THE COURT: That's true and that's a fact.

7 MR. LAMINACK: That's true. Please let me fix that.

8 THE COURT: I'm not sure I'm going to. I'm going to
9 give you -- first I want the documents on the asbestosis before
10 I decide whether to allow you to amend. I'm going to carry
11 forward the Motion to Dismiss.

12 I find that to be absolutely crucial. And I'm going
13 to give you two weeks to get those documents in on the
14 asbestosis for the people that have made asbestosis claims.

15 Mr. Mulholland, unfortunately, after you already
16 walked out, he got that information from social security numbers
17 and he'll give you that spreadsheet. And those are the people
18 you need -- you've got two weeks to find.

19 MR. LAMINACK: I understand, your Honor.

20 THE COURT: All of those documents.

21 MR. LAMINACK: I understand, your Honor.

22 THE COURT: And I'd like to know if the experts --
23 the diagnosing people that you've gotten in, know that they've
24 already been diagnosed with asbestosis.

25 MR. LAMINACK: To answer that question is no.

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1 THE COURT: Thank you.

2 MR. LAMINACK: It's in the reports that you have.

3 THE COURT: But you told me you didn't know that
4 that -- oh, I don't think it's all quite there. If not, make
5 sure it's there.

6 Thank you.

7 MR. LAMINACK: Can I ask one other question, just a
8 point of clarification? This involves the X-rays in the
9 depository.

10 As the Court might guess, a lot of us are interested
11 in getting those X-rays re-read so we can take appropriate
12 action in the light of your previous orders --

13 THE COURT: It might be best if you --

14 MR. LAMINACK: -- how do we do that?

15 THE COURT: It might be best to bring your
16 Defendants -- your experts here and let them read them at the
17 depository, considering the way this is progressing. I
18 certainly have jurisdiction over Alexander.

19 MR. LAMINACK: I'm not concerned about Alexander.
20 That's done. But I'm talking about there's a whole bunch of
21 them in there that, I mean, I in light of what's happened am
22 interested in dismissing some cases if people don't have
23 silicosis. And the way to figure that out is to look at that X-
24 ray.

25 THE COURT: Right. Well, it's your Alexander case

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1 is the only one you've got, right? Yes.

2 MR. LAMINACK: Right.

3 THE COURT: Yes. And those you can see right there
4 in the depository.

5 MR. LAMINACK: I'm not interested in those. I'm
6 interested in the non-Alexander cases that we would like to have
7 re-read.

8 THE COURT: How many cases -- I thought -- how many
9 cases do you have?

10 MR. LAMINACK: There are a number of other cases we
11 have, your Honor.

12 MR. MULHOLLAND: Between ten and --

13 MR. LAMINACK: And I'm not the only one in that
14 position. I think we're all in that position.

15 THE COURT: Sure. You can have anybody come and re-
16 read them you want.

17 MR. LAMINACK: That's a tough deal to have people
18 fly to here to read those, your Honor.

19 THE COURT: I know.

20 MR. LAMINACK: Especially when at least with respect
21 to me what's going on is an effort to separate the wheat from
22 the shaft here and get rid of a lot of this stuff.

23 THE COURT: I understand that.

24 MR. LAMINACK: And clean this up and I'd like to do
25 that as soon as possible.

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1 THE COURT: Well, I can't run the risk of somebody
2 making off with them like Mr. Hooper has done, just assume he
3 just decided unilaterally that I didn't have any jurisdiction to
4 keep them in a depository and make off with them. So that's the
5 problem.

6 MR. LAMINACK: I understand the problem.

7 THE COURT: It's called the "Hooper problem."

8 MR. LAMINACK: We need some kind of help on that,
9 Judge, I think.

10 THE COURT: You can talk to the Defendants on that.

11 MR. LAMINACK: Okay.

12 THE COURT: Mr. Hooper, what is you -- what have you
13 discovered?

14 Mr. Cusick?

15 MR. CUSICK: Yes, your Honor.

16 THE COURT: I asked you here because you had made a
17 call to me about -- on behalf of the U.S. Attorney in the
18 Southern District of Manhattan -- or Southern District of New
19 York over access to the Document Depository?

20 MR. CUSICK: Yes, your Honor.

21 THE COURT: And because that was an ex parte call, I
22 had to call Liaison Counsel and tell them, Ms. Snapka and Mr.
23 Barger, that the call had been made and that we wanted to
24 preserve the document depository.

25 Subsequent to that, Mr. Hooper, and he may need his

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1 own counsel, but Mr. Hooper filed a Motion to Remove all of his
2 client's X-rays, which were the basis of the diagnoses from the
3 document depository. I denied that motion in early -- in mid-
4 July. Subsequent to that in the first week of August on his
5 own, he determined that I no longer had jurisdiction over his
6 cases and went in and removed them all.

7 So I have now ordered him to return them forthwith,
8 and he has no intention of doing that, apparently. So I felt
9 like I needed to tell you about this, and you can report it to
10 whomever.

11 MR. CUSICK: I'll do that, your Honor.

12 MR. HOOPER: May I clear up the record?

13 THE COURT: Yes, sir. Are you going to return the
14 X-rays?

15 MR. HOOPER: After I clear up the record.

16 THE COURT: Are you going to return the X-rays?

17 MR. HOOPER: Yes, your Honor.

18 THE COURT: When?

19 MR. HOOPER: They're scheduled to leave Houston at
20 noon.

21 THE COURT: All right. Thank you.

22 MR. HOOPER: First, the -- I voluntarily produced X-
23 rays not --

24 THE COURT: You've already said that.

25 MR. HOOPER: -- not to the document repository, just

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1 as the Court has clarified, but to an X-ray repository in Mr.
2 Watts' office. The inquiry -- you just clarified it very
3 clearly. The inquiry that was discussed with me were documents
4 in the repository.

5 THE COURT: No. I said they were all the discovery
6 documents and I said they were in -- as far as I knew X-rays and
7 documents were in Mr. Watts' office.

8 MR. HOOPER: But the Court is wrong.

9 THE COURT: Okay.

10 MR. HOOPER: The documents aren't in Mr. Watts'
11 office.

12 THE COURT: I know. They're in your office.

13 MR. HOOPER: The documents are in the document
14 repository on -- I voluntarily produced X-rays to Mr. Watts'
15 office. I filed a Motion to Withdraw all X-rays --

16 THE COURT: And it was denied.

17 MR. HOOPER: -- which was denied. The Court entered
18 an order June 30th that said, "I'm remanding the cases in 30
19 days."

20 THE COURT: And then I stayed the order.

21 MR. HOOPER: After 30 days --

22 THE COURT: And then I stayed that order before the
23 end of the 30 days.

24 MR. HOOPER: No. You didn't. You stayed the Order
25 on August 5th. I removed the X-rays before you stayed the

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1 cases. You entered an order on June 30th staying cases for 30
2 days. After the expiration of those 30 days, after you had
3 ceded your jurisdiction, I removed my client's property from Mr.
4 Watts' office, which had never been ordered by this Court.

5 After that, you entered an order attempting to
6 further stay your order for another 30 days. I didn't do it
7 when you had an order on file saying that you had jurisdiction.
8 I would not have done anything directly to contravene this
9 Court's jurisdiction. I thought that this Court --

10 THE COURT: I understand, Mr. Hooper, but
11 nonetheless I denied your motion and you took the X-rays out,
12 and after being told by Liaison Counsel that the U.S. Attorney
13 in Manhattan was making inquiries about all discovery documents.

14 You may be seated.

15 MR. HOOPER: No.

16 THE COURT: You may be seated. Thank you.

17 MR. HOOPER: May I -- I may not finish my record?

18 THE COURT: You may be seated. Thank you.

19 MR. HOOPER: You are not allowing me to finish my
20 record?

21 THE COURT: Mr. Hooper, you may be seated. Thank
22 you.

23 You may submit anything in writing that you would
24 like to supplement the record.

25 Thank you, Mr. Cusick, very much.

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1 You may be seated. Thank you.

2 All right. Then we have Alexander versus Air
3 Liquide, I think we have -- I'm going to -- I think I made an
4 order on that?

5 MR. LAMINACK: Yes, your Honor.

6 THE COURT: That I'm going to carry forward all
7 those pending motions for two weeks for Mr. Laminack to get you
8 the information about asbestosis on 73 percent of his claimants,
9 all the documents, including X-rays, diagnoses -- I assume
10 they've got Fact Sheets?

11 MR. MULHOLLAND: Yes, your Honor.

12 THE COURT: And now we have a Motion to Substitute
13 in a new diagnosing physician?

14 MR. MULHOLLAND: I will note they filed a motion to
15 that effect, your Honor, but we have submitted a dispute.

16 THE COURT: Anything else to take up? Do you need a
17 further meeting date for the 17 cases that I still have?

18 (Pause)

19 MR. BARGER: We don't have anything else today.

20 THE COURT: Right, but do you need another meeting
21 date?

22 MR. BARGER: Yes. Do you want to do it in a month?

23 THE COURT: A month is fine. Do you want a date?

24 Ms. Scotch?

25 THE CLERK: Monday, September the 26th, 2005 at 9:00

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1 a.m.

2 THE COURT: Is Monday a good day?

3 MR. BARGER: I've heard no complaints from anybody
4 about it.

5 MR. LAMINACK: Monday is a good day in what respect?

6 THE COURT: Well, I don't know, Mr. Laminack. But
7 9:00 o'clock that's after the first -- should we make it 9:30?
8 Does everybody like to come in the night before, or you want to
9 come at 9:30 and then 9:30 get you in on the first -- isn't that
10 the first flight of the Southwest? Certainly Continental gets
11 here earlier, but --

12 MR. BARGER: I think 9:00 is fine from the Defense.

13 THE COURT: 9:00 is fine?

14 MR. BASHLINE: 9:30 for those of us coming out of
15 Houston allows us a breathing period to get from the airport to
16 here. There's a flight that gets in, your Honor, at 8:35 or
17 something, but --

18 THE COURT: Mr. Hooper will fly you in on his X-
19 rays, that's fine.

20 (Laughter)

21 MR. BASHLINE: 9:30 would be -- any other Houston
22 people like 9:30?

23 THE COURT: Two?

24 MR. BASHLINE: Come on you wimpy, put up your hands.

25 THE COURT: Sorry.

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1 MR. BASHLINE: Okay. 0900, Judge, that's fine.
2 THE COURT: And I don't care if you're late. We'll
3 track that flight.
4 (Laughter)
5 MR. BASHLINE: Your Honor, I have absolutely no
6 intention being late unless I'm dead and they can wheel my body
7 back.
8 THE COURT: Thank you very much for your
9 appearances.
10 You're excused.
11 MR. GOWEN: I just wanted to give you an update on
12 the X-rays, your Honor. All the X-rays are there.
13 THE COURT: Thank you.
14 MR. GOWEN: And we do have a list of them.
15 THE COURT: Thank you. If you could give those?
16 MR. GOWEN: I'll give them -- I may not have them on
17 me.
18 (Proceeding Adjourned at 11:17 a.m.)
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CERTIFICATION

I certify that the foregoing is a correct transcript
from the electronic sound recording of the proceedings
in the above-entitled matter.



Signed

August 23, 2005

Dated

TONI HUDSON

FEDERALLY-CERTIFIED TRANSCRIBER